

REMARKS

Reconsideration of the Election of Species requirement is respectfully requested.

The examiner identified eight groups of invention as follows:

- Group 1:** Claims 1, 2-4
- Group 2:** Claims 1, 5-7
- Group 3:** Claims 1, 8-9, 16-17
- Group 4:** Claims 1, 10-13
- Group 5:** Claims 1, 14
- Group 6:** Claims 1, 15
- Group 7:** Claims 1, 18-21, 32
- Group 8:** Claims 22-26, 33

Initially, applicants would like to point out that claim 27 was not located in any of the eight groups identified by the examiner.

Applicants provisionally elect the claims of Group 1, that is claims 1 and 2-4. Applicants also submit that claim 27 should be included in Group 1 because it further defines the gate that is set forth in claims 1-4.

It will be noted that claim 1 has been amended to more precisely recite the invention. Claim 15 has been cancelled and the subject matter thereof has been incorporated in claim 1.

Applicants also submit that claims 8, 10-14 and 19-21 should also be incorporated in Group 1 because the features set forth therein would not require additional search beyond that required for Group 1 as defined by the examiner.

In accordance with the requirements of claim 1 the movable gate can be set at an angle relative to the direction of movement of the conveyor to enable an article to leave the conveyor at an exit.

In use, the invention has three primary modes of operation as follows:

1. one disc passing the article right through in a forward direction (nonactivated disc) or off the conveyor to one side (activated);
2. one disc passing the article right through in a forward direction (nonactivated disc) or through use of one of two different angular positions off the conveyor to a respective exit; and,
3. two discs sorting to the left (activated) or to the right (activated) or right through in a forward direction (nonactivated), one or two exits being available on the left and right sides.

Applicants submit that claim 1 encompasses all of these alternatives and that the claim 8 as amended specifies the operation wherein a set angle is selectable from at least two different angular positions with corresponding exits.

Applicants thus respectfully submit that a search of the claims 1-4, 8, 10-14 and 19-21 can be conducted without any significant additional effort than it would take to conduct the search and examination of the claims 1-4. Accordingly, it is believed that the following guidelines of MPEP §803 are applicable,

If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits even though they include claims to independent or distinct inventions.

In view of foregoing remarks, reconsideration of the Election of Species Requirement is respectfully requested and examination of claims 1-4, 8, 10-14 and 19-21 is solicited.

Dated: February 18, 2008

RODMAN AND RODMAN
10 Stewart Place – Suite 2CE
White Plains, New York 10603

Telephone (914) 949-7210
Facsimile (914) 993-0668

Respectfully submitted,

/Philip Rodman/
Philip Rodman, Reg. No. 25,704
Attorney for Applicants